IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.4594 OF 2002

IN

FIRST APPEAL NO.551 OF 2003

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

.....

M/s.Pandey and Co. for the Applicant
Mr.M.D.Patil for Respondent-Corporation

CORAM: A.S.OKA, J.

DATE:SEPTEMBER 3, 2004.

P.C.:

1. This Application is filed by the Appellant in the First Appeal. The case made out in the Application is that the suit structure was demolished by the Respondent-Corporation contrary to the order passed by the City Civil Court. A statement has been made in the Application that Contempt Notice of Motion has been taken out by the Applicant/Appellant against the Respondent which is pending in the City Civil Court, Bombay. No averment

is made in this Application stating therein that the structure of the Applicant was authorised structure or that the said structure was entitled to be protected under one of the policies of the Respondent-Corporation which were prevailing on the date of demolition.

2. Hence there is no merit in the Application. Application is rejected. However, rejection of the Application will not affect the merits of the Contempt Notice of Motion and said Notice of Motion will be decided on its own merit in accordance with law.

Judge.